

REMARKS

The Office Action dated 11/10/2005 has been carefully reviewed. The telephone conversation of December 5, 2005 is acknowledged.

The Office Action is a final action and indicates that Claim 41 is the only claim that reads onto the elected species. Claim 41 is rejected under 35 US C §102 with the patent to Grotz (US Patent 5,782,865) being cited in support of this rejection. The Office Action alleges that the other claims in the case, Claims 35-39, 41, 47-50 and 44-57, do not read onto the elected species.

During the December 5 telephone conversation, applicant's attorney noted that the elected species is shown in Figures 5A and 5B, and that the Claims submitted in the previous responses were written to read directly onto these figures. It was also noted that the previous Office Action dated 07/05/2005 stated that the species of Figures 5A and 5B does not have a chamfer on the passages. Accordingly, all references to a chamfer on the suture passages were removed. It is noted that Claims 35-39, 41, 47-50 and 44-57 do not have any limitation of a chamfer and thus meet this criterion for reading onto the elected species.

Therefore, Claims 35-39, 47-50 and 44-57 should be reinstated and included in this application as reading onto the elected species of Figures 5A and 5B.

With regard to Claim 41, the present response has amended this claim to specify that the second end of the suture-accommodating passage is spaced farther from the patient's bone than the first end of the suture-accommodating passage when the anchor body is engaged in the patient's bone. This limitation clearly reads onto the species in Figures 5A and 5B, and is clearly different from the disclosure of Grotz which shows the passages oriented parallel to the patient's bone. Many advantages are associated with the orientation defined in applicant's claims. For example, the surgeon will find it easy to thread the suture through passages oriented as defined in applicant's claims as opposed to a parallel orientation shown in Grotz.

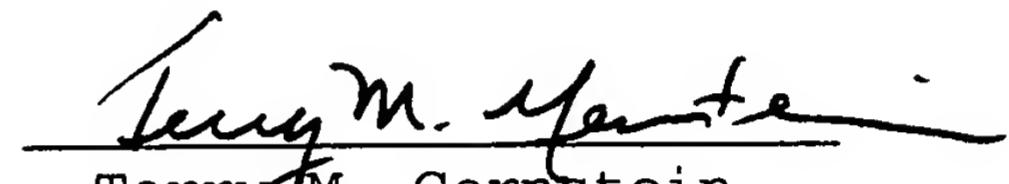
It is noted that Claims 35-39, 47-50 and 44-57 all have a similar limitation with regard to the orientation of the suture passage(s). Accordingly, all of these claims also avoid the teaching of the Grotz patent.

Since no claim has been amended to include any limitation that was not previously presented, it is believed that this response does not add any new issues to the case and should be entered. Furthermore, since it is believed that all of the claims now presented define limitations that are not shown or taught anywhere in the prior art, this response places the case in condition for allowance and should be entered for that reason as

well.

In view of the foregoing, it is believed that this application is now in condition for allowance. Accordingly, review and allowance are requested.

Respectfully submitted,

  
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